

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JEFFREY A. YATES,)	CASE NO. 5:07CV108
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	MAGISTRATE JUDGE PERELMAN
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	<u>ORDER</u>

On December 17, 2007, Plaintiff filed "Notice of Suggestion of Death," (ECF Doc. No 17). Magistrate Judge Perelman granted Plaintiff 90 days to file a Motion for Substitution of a Party Plaintiff and held this matter in abeyance until such time.

No motion for substitution has been filed nor has any request for an extension of time to accomplish the substitution been submitted. Since the party Plaintiff is deceased, and since no executor or administrator has been identified and substituted, this matter can no longer remain pending pursuant to Fed.R. Civil P.25(a).

Because Fed. R. Civ. P. 25(a) is self-actuating, dismissal after the 90 day period is automatic. The Magistrate Judge's boilerplate language of 10 days to object does not supercede Fed. R. Civ. P. 25(a).

Therefore, the Court dismisses this action.

The referral of this matter to Magistrate Judge Perelman is terminated.

IT IS SO ORDERED.



CHRISTOPHER A. BOYKO
United States District Judge

March 21, 2008

FILED

MAR 21 2008

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND